



PLANNING COMMITTEE: 23rd October 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1276

LOCATION: 44 - 46 St Giles Street

DESCRIPTION: Change of Use of Ground Floor Shop (Use Class A1) to Restaurant (Use Class A3) to merge with No. 50-54 St Giles Street (Retrospective)

WARD: Castle Ward

APPLICANT: Mr C Meneske
AGENT: Design Board-Architectural Services

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL for the following reason:

The development represents an appropriate land use and does not have a significant adverse impact upon the viability and vitality of the town centre, the character and appearance of the surrounding area, neighbour amenity and the historic environment. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies BN5 and S10 of the West Northamptonshire Joint Core Strategy and Policies 1 and 12 of the Northampton Central Area Action Plan.

2 THE PROPOSAL

2.1 The applicant seeks permission to change part of the use of the retail unit to a restaurant. No other external alterations are proposed.

3 SITE DESCRIPTION

3.1 The application site consists of a large unit occupying a prominent position in St Giles Street. This road is allocated as a secondary retailing frontage within the Central Area Action Plan and as a consequence, establishes minimum levels of retailing that should be retained. The surrounding land uses are a combination of retailing and other commercial facilities. The building was originally

a single unit, however, planning permission has previously been granted to use part of the ground floor as a restaurant, with the remainder as a shop, with the upper floors being used as flats.

4 PLANNING HISTORY

- 4.1 N/2011/0928 – Change of use of ground floor to residential and shop – Approved. N/2016/0791 – Change of Use of Ground Floor Shop (Use Class A1) to Restaurant (Use Class A3) to be incorporated into neighbouring restaurant premises – Refused.

N/2016/1009 – Prior Notification for a change of use of existing retail shop (Use Class A1) to restaurant/cafe (Use Class A3) – Refused.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Central Area Action Plan (2013).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 85 – 90 - Ensuring the vitality of town centres

Paragraph 184 – 202 - Conserving and enhancing the historic environment

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10 - Sustainable Development Principles.

Policy BN5 – Heritage Assets

5.4 Northampton Central Area Action Plan 2013

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1 - Promoting Design Excellence

Policy 12 – Retail Frontages

6 CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Conservation (NBC)** – No objections.

- 6.2 **Environmental Health (NBC)** – No objections, as building regulations would address the matter of noise mitigation between the use and the flats above.

7 APPRAISAL

- 7.1 The application relates to the change of use of part of the ground floor of the building. The relevant policy of the CAAP identifies St Giles Street as being a secondary retail frontage and requires that a minimum of 60% of the frontage be utilised for retail purposes. Whilst it is appreciated that previous application for the completed change of use of this unit have been resisted on the grounds that the level of retailing would significantly fall below this threshold, subsequent to the determination of these applications, it is noted that there has been a change in circumstances in that the use of 72 St Giles Street has returned to retail purposes (as a hair dressing salon). Therefore, taking into account this additional retail unit, should the entirety of 44-46 St Giles Street become a restaurant, the level of retailing within the frontage would fall to 59.4%.
- 7.2 Whilst it is appreciated that the level of retailing falls below the threshold prescribed in the CAAP, it is considered that the degree of the breach is not significant given that it represents 0.6% of the total frontage. Moreover, it is also appreciated that the retail unit as part of the application site has been vacant from a significant period of time. It is considered that the application has some benefit in assisting in bringing the building back into use, which would also aid the viability and vitality of the town centre. It is therefore concluded that these benefits outweigh the harm arising from the minor breach of planning policy regarding the level of retail provision along this frontage.
- 7.3 The permitted restaurant would operate as part of an extension to the existing restaurant within the same building and, as such, utilises the same kitchen facilities and refuse storage. Furthermore, should there be a desire in the future to install additional extraction equipment within the application site, this would stimulate the need for a further planning application. Therefore, the Council would have sufficient opportunity to assess the merits of any such proposal and, if necessary, take steps to ensure that the installation of such equipment does not impact upon the character and appearance of the surrounding area, or the amenities of surrounding properties. In order to provide some certainty of this, it is recommended that an informative note be added to the decision notice providing confirmation that the planning permission does not confer consent upon the installation of such equipment.
- 7.4 The application does not include any external alterations and therefore the development does not lead to any notable adverse impact upon the amenity of the locality, the historic environment and neighbour amenity. In addition, owing to the presence of a previously permitted restaurant within the building, it is considered that the operation of an enlarged restaurant facility does not create excessive noise and disturbance to the detriment of the amenities of the occupiers of neighbouring properties.
- 7.5 On account of the site being located within the town centre, it is considered that the lack of car parking should not be a reason for resisting the application owing to the site being accessible and sustainably located. It is also noted that the existing restaurant within the building is not restricted (through the planning system) in terms of opening hours. Given that this application seeks to extend the existing use, it is considered that a limitation of opening times of a section of the building would be unreasonable and unnecessary.

8 CONCLUSION

- 8.1 It is considered that the use of part of the building as a restaurant represents an acceptable use that supports the viability and vitality of the town centre and does not have a significant adverse impact upon the character and appearance of the surrounding area and neighbour amenity.

9 CONDITIONS AND INFORMATIVES

- 9.1 Given that this is a retrospective application, no conditions are considered necessary or reasonable. However, it is recommended that an informative note be added to decision notice stating that this permission does not confer consent upon the installation of any external extraction equipment.

10 BACKGROUND PAPERS

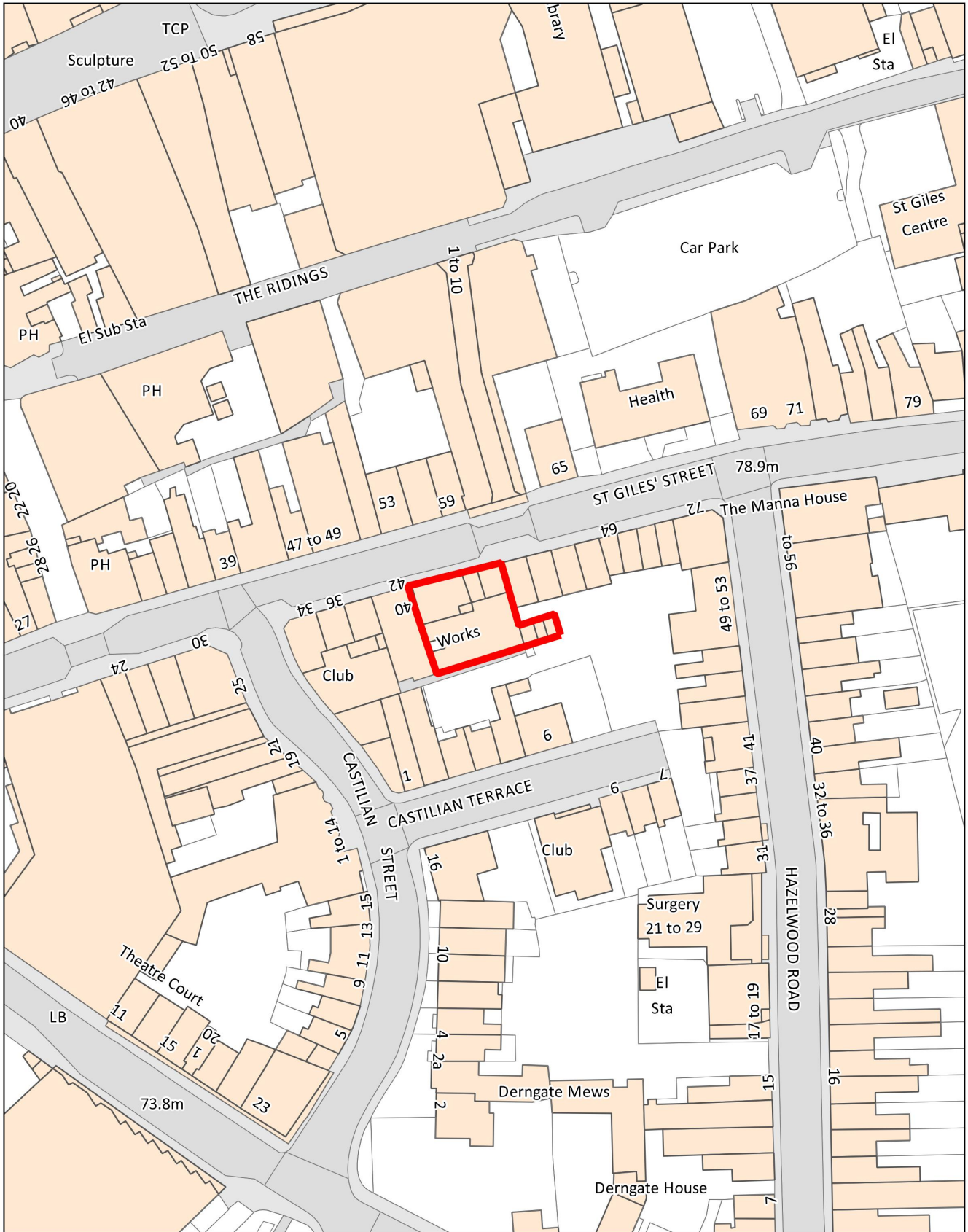
- 10.1 None.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



NORTHAMPTON
BOROUGH COUNCIL

Title: **44 - 46 St Giles Street**

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Date: 04-10-2018

Scale: 1:1.000

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